

ORDINANCE NO. 07- 305

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING CHAPTER 8.20 OF THE LOS ALTOS MUNICIPAL CODE
ENTITLED "STOPPING, STANDING AND PARKING" PERTAINING TO
PREFERENTIAL PARKING ZONES**

WHEREAS, the City Council finds and determines that the revenue generated by the fees from a preferential parking program shall be used to fund the City's costs of the preferential parking program; and

WHEREAS, the City Council further finds and determines that the revenue generated by the fees from a preferential parking program may also be used to fund certain improvements and activities as specifically authorized by the City Council for the benefit of the City; and

WHEREAS, the ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE:

Chapter 8.20 entitled "Stopping, Standing and Parking" Regulation of public parking areas" is hereby amended by deleting Section 8.20.110 in its entirety and replacing it with a new 8.20.110 entitled "Establishment of preferential parking zones" and by adding new Sections 8.20.110 through 8.20.112 to read as follows:

8.20.110 Establishment of preferential parking zones.

(a) The city engineer may issue regulations regulating parking, stopping, or standing in public parking areas, both on-street and off-street. Any regulation issued pursuant to this section shall not be effective until signs notifying of such regulation have been erected.

(b) In addition to subsection (a), the city engineer may designate by resolution approved by the City Council certain public parking areas, residential streets, alleys or any portions thereof as a preferential parking zone for the benefit of the city and residents. Said preferential parking program is solely voluntary and vehicles in said preferential parking zone displaying a permit or other

authorized indicia may be exempt from the City's parking prohibitions or restrictions. The resolution shall include the following, as well as other matters deemed pertinent by the city engineer:

- (1) The boundaries of the preferential parking zone.
- (2) The hours during which preferential parking shall apply.
- (3) The procedures for obtaining preferential parking permits, including the fee therefor.

(b) Upon the adoption of a preferential parking resolution, no person shall park in the designated area during the hours specified for preferential parking without a preferential parking permit.

8.20.111 Findings and Use of Fees.

(a) Each preferential parking zone may be designated only upon findings that such zone is required to enhance or protect the quality of life in the area of the proposed zone and that such zone is necessary to provide reasonably available and convenient parking for the benefit of the City.

(b) The fees for preferential parking permits shall be established by a resolution of the City Council. The revenue generated by the fees from a preferential parking shall be deposited in a separate fund. No moneys shall be disbursed from this fund except for the purposes set forth in this chapter.

(c) The revenue generated by the fees from a preferential parking program shall be used for funding the City's costs of its preferential parking programs, such as maintenance and striping of parking areas and other parking program costs.

(d) The revenue generated by the fees from a preferential parking program may also be authorized by the City Council to be used for such other private programs which benefit the City as follows:

1. Promotion of business and retail activities within the downtown business area or in the general area where the funds are raised.
2. Promotion of public events which are to take place on or in public places within the downtown business area or in the general area where the funds are raised.
3. Furnishing of music and decorations in any public place within the downtown business area or in the general area where the funds are raised..
4. Providing public improvements such as landscaping, trash receptacles, litter removal and sidewalk cleaning in any public place within the downtown business area or in the general area where the funds are raised.

5. Acquisition, construction or maintenance of parking facilities for the benefit of the City.

(e) If the City Council authorizes the use of revenue generated by the fees from a preferential parking to benefit the city, such authorization shall be by a resolution of the City Council designating such city or private program to receive said funds. The resolution shall also require the program applicant to provide, upon completion of the program and/or improvements, a detailed accounting of the use of said funds, and any unused funds shall be promptly returned to the city.

8.20.112 Notice of preferential parking.

(a) The city engineer or his or her designee shall install, at such public parking areas, streets or alleys or portions thereof as have been declared to be preferential parking zones, appropriate signs or markings giving notice of such parking restriction.

(b) No preferential parking resolution shall apply until signs or markings giving adequate notice thereof have been placed.

8.20.114 Issuance of permits.

(c) The police department shall be responsible for the issuance of permits pursuant to this chapter. Applicants for such permits shall present such proof, as may be required by said department. Not more than one permit shall be issued for each such motor vehicle. The police department shall prescribe appropriate application forms and procedures with respect to such permits. The form of the permit shall be prescribed by the police department and shall be affixed in a visible location on the subject vehicle.

(d) Permits issued pursuant to this section shall remain effective for a period of one calendar year or fraction thereof, or until the preferential parking zone for which such permit was issued is eliminated, whichever period of time is less.

(e) Each permit shall be subject to all conditions and restrictions set forth in this chapter and of the preferential parking zone for which it was issued, including conditions or restrictions which may be altered or amended from time to time. The issuance of such permit shall not be construed to be a permit for, or approval of, any violation of any provisions of this code or any other laws or regulations.

(c) It shall be unlawful for any person to alter, forge, counterfeit, or falsify any permit relating to a preferential program or display or cause or permit to be displayed any such altered, forged, counterfeited or false permit with the intent to represent the permit as issued by the City.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on January 23, 2007 and was thereafter, at a regular meeting held on February 13, 2007 passed and adopted by the following vote:

Ayes: PACKARD, CARPENTER, CASAS, BECKER, COLE
Noes: NONE
Absent: NONE



Robert C. Cole, MAYOR

Attest:



Susan Kitchens, CITY CLERK